

ORIGINAL

# UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

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In Re Applications of: ) MM DOCKET No.: 99-153  
)  
READING BROADCAST, INC. ) File No.: BRCT-940407KF  
For Renewal of License of )  
Station WTVE (TV), Channel 51 )  
Reading, Pennsylvania )  
)  
and )  
)  
ADAMS COMMUNICATIONS ) File No.: BRCT-940630KG  
CORPORATION )  
For Construction Permit for a )  
New Television Station to )  
Operate on Channel 51 )  
Reading, Pennsylvania )

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## HERITAGE REPORTING CORPORATION

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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Reading, Pennsylvania	)	

Room TWA-363  
FCC Building  
445 Twelfth Street, S.W.  
Washington, D.C.

Tuesday  
June 13, 2000

The parties met, pursuant to the notice of the  
Judge or Commission, at 10:04 a.m.

BEFORE: HONORABLE Richard L. Sippel  
Presiding Judge

APPEARANCES:

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I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
David R. Bendetti	1664	1756	1787		
R. Clark Wadlow	1796	1856			

E X H I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
<u>Reading Broadcasting, Inc.:</u>			

Ex. 49	1783	1787	
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Adams Communications Corporation

Ex. 78	1833	1847	
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Ex. 79	1840	1847	
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Ex. 80	1840	1847	
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Ex. 81	1843	1847	
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Ex. 82	1845	1847	
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Ex. 83	1845	1847	
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Ex. 61	1848	1848	
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P R O C E E D I N G S

(10:04 a.m.)

JUDGE SIPPEL: We're on the record.

This is our second session. You have a witness this morning, Mr. Bendetti, is that right?

MR. COLE: Yes, sir.

JUDGE SIPPEL: All right. I just have a couple of preliminary things that I want to cover before we go into this. It won't take long.

As, according to my schedule, now, Thursday is -- am I correct in this that Thursday will for all purposes, all practical purposes be a day off except unless we have to clear up, clean up Mr. Parker.

MR. COLE: Well, I put a call at your suggestion yesterday, Your Honor, I put a call in to Mr. Geolot who is counsel for the witness, Paula Friedman.

JUDGE SIPPEL: Right.

MR. COLE: And asked if we could possibly move her over to Thursday because I thought that's what your direction was.

JUDGE SIPPEL: All right.

MR. COLE: I had to leave a voice message for him and have not heard back before I left my office this morning, so I don't know what her status is. I assume she's always going to be available for Friday morning, but I had

1 to put a request in that she be moved to sometime Thursday  
2 morning.

3 JUDGE SIPPEL: All right, well, that's okay, too.  
4 But what I want to get at is that it's going to be sometime  
5 off for you all to sit down and talk about settlement. And  
6 that's going to -- am I correct on that? That was given.

7 The other -- what I want to do is I want to use  
8 that spare time to finish up a review of these in camera  
9 documents so that I can get them over to Mr. Hutton by,  
10 certainly by Friday. No later than Friday.

11 I can go either way on this. If we can finish up  
12 Mr. Parker or Ms. Friedman Thursday morning, then that would  
13 -- that would be the best of all worlds, I'd think.

14 MR. COLE: Well, the wheels of that are in motion,  
15 at least. Whether or not Mr. Geolot and Ms. Friedman will  
16 be able to accommodate that, I don't know. But I certainly  
17 started that ball rolling.

18 JUDGE SIPPEL: All right. Well, either way, if  
19 she testifies on Friday, that still leaves me much of  
20 Thursday -- should leave me much of Thursday, unless we  
21 completely miscalculated Mr. Parker.

22 MR. COLE: No, I think that's a reasonable  
23 assumption for Thursday.

24 JUDGE SIPPEL: So, I'm going to have time either  
25 Thursday or Friday, or both days, to get this job done and

1 get Mr. Hutton what he needs to start off Monday morning  
2 with Ms. Swanson.

3 MR. COLE: I believe so.

4 JUDGE SIPPEL: All right. That's what I'm trying  
5 to get -- I'm trying to be sure that I'm focused on that and  
6 everybody else is, too.

7 All right. What I had done is I have -- I've  
8 been monitoring this process with Telemundo's counsel to be  
9 sure that there's no snags here. And they tell me that  
10 everything, the review by Ms. Swanson is coming along just  
11 fine, but it's going to be tight for them to get them to me  
12 this afternoon. And then they have the briefing schedule on  
13 points and authorities, so I gave them -- I've exercised my  
14 discretion again and give them until noon tomorrow, on the  
15 theory that I'm going to be pretty much tied up in hearings,  
16 anyway, and I can't do both at the same time.

17 So, I'm to get points and authorities and the  
18 documents by noon tomorrow, so that gets me through Friday  
19 to get to those materials and make determinations on turning  
20 them over.

21 Let's see. Mr. Cole, I have your letter of June  
22 12, which was yesterday, on Mr. Mattmiller. I, again, I've  
23 had my legal technician check every nook and cranny and we  
24 just have never received it.

25 MR. COLE: I apologize for that, Your Honor. As I



1 provided what documentation I have and that's, you know, --

2 JUDGE SIPPEL: You told us --

3 MR. COLE: As good as I can get.

4 JUDGE SIPPEL: You've made it clear.

5 MR. COLE: As I said, I thought I was reasonably  
6 confident that I had sent it in, but if everybody's telling  
7 me they didn't get it, I don't know what happened. But  
8 that's what my records show. But in any event, I still have  
9 not determined to sign off on Mr. Mattmiller. I'm leaning  
10 in that direction, so it may be a moot point, in any event.

11 JUDGE SIPPEL: All right. Well, we'll get to it  
12 when you make a decision. But I just wanted to let you know  
13 that we, you know, I could see that you did prepare a letter  
14 on May 24th, but it never got to us. And I make a  
15 cautionary suggestion in that regard.

16 The idea of the faxing is working terrifically for  
17 me and I think is for you, too. I get things 24 to 48 hours  
18 faster than I otherwise would. But you really should follow  
19 up with a hard copy or the original letter in the mails,  
20 which is what my legal tech, you know, she'll do her filing  
21 thing with that. I'm just using these faxes for my work  
22 copy. But it's working tremendously.

23 Mr. Haag's letter to Mr. Hutton dated June 12th.  
24 You got that, sir?

25 MR. HUTTON: I did get -- I think I got a letter

1 from him.

2 JUDGE SIPPEL: Should have gotten some documents,  
3 too.

4 MR. HUTTON: Yesterday I only got a couple of  
5 documents from him.

6 JUDGE SIPPEL: Well, he laid it out in his June 12  
7 letter what he was giving you. In the June 12 letter, I  
8 just got a fax of it this morning. It's a two page letter.

9 MR. SHOOK: I probably have the hard copy. There  
10 were three copies of two different letters. I meant to  
11 bring them down with me this morning. I'll bring them down  
12 at the break. They were directed to me by the inter-office  
13 mail, got them.

14 JUDGE SIPPEL: Well, are they letters that had to  
15 do with yesterday or just last week?

16 MR. SHOOK: They were letters addressed to you.

17 JUDGE SIPPEL: Well, I hope you enjoyed reading  
18 them, I don't know. All right, we'll follow up on that, but  
19 my main concern right now is your, your uncertainty about  
20 the status of the documents that were supposed to have been  
21 -- you said you got some documents.

22 MR. HUTTON: I got a letter from him with a couple  
23 of documents, but he had called me to discuss the language  
24 of the cover letter. And that language that we discussed  
25 was not in the letter that I received, so I was expecting a

1 second letter from him, and I never got it. I got that.  
2 And I haven't had a chance to call him and follow up.

3 MR. SHOOK: Well, I probably have your copy, as  
4 well.

5 JUDGE SIPPEL: Well, you should have gotten the --  
6 you should gotten the fax. It's addressed to you. The  
7 letter is dated June 12, with copies to Mr. Shook, Mr. Cole  
8 and to myself, via the facsimile machine. And he's listed  
9 all of these documents that he's turned over to you.

10 MR. HUTTON: No, I didn't get that.

11 JUDGE SIPPEL: Did you see that?

12 MR. HUTTON: I didn't get that. I haven't seen  
13 that one.

14 MR. SHOOK: I didn't see that one, either.

15 MR. COLE: I don't recall seeing that one, either.

16 JUDGE SIPPEL: Well, I guess that for once I'm  
17 ahead of the game.

18 MR. SHOOK: See, you've become Mr. Hutton, I've  
19 become you and who knows --

20 JUDGE SIPPEL: He also faxed me all the documents  
21 that he turned over to you, which I had already seen when I  
22 ruled on them in camera, but that was a mistake. That  
23 wasn't supposed to happen. But my fax machine was tied up  
24 for an hour this morning getting all these extra copies.  
25 So, this is interesting.

1 But he does make a reference in one paragraph that  
2 I have not ruled on. Miscellaneous documents, which was one  
3 of the categories. And I point to him yes, I did rule on  
4 that, but there were some things in that miscellaneous file  
5 that were identified in one page fax sheet that I ordered to  
6 be turned over to you. But references that were made to  
7 other documents, the other documents were not in the file.  
8 So, he's got to get those to me, too. I don't know what the  
9 documents are.

10 MALE SPEAKER: Okay.

11 JUDGE SIPPEL: One of them has to do with  
12 reference -- I think sounds like they were newspaper  
13 articles or journalistic references of some kind to the  
14 Monroe proceeding. And then the second one looks like it  
15 was a little more substantive. It was something that was  
16 coming in from WTVE for one of the attorneys to review. One  
17 of the Telemundo attorneys to review.

18 So, I haven't seen those papers, but he's looking  
19 for those. And there I told him he could fax those to me,  
20 you know, but not 72 pages.

21 So there we are. I don't know, I can -- you know,  
22 at a break I can give this to you if you want to take it or  
23 take a copy or you want to call your office, or however you  
24 want to deal with that.

25 MR. HUTTON: Well, let's see what Mr. Shook turns

1 up and probably at noontime, I'll check with my office and  
2 we'll see where we stand.

3 JUDGE SIPPEL: All right.

4 MR. HUTTON: It may have come in.

5 JUDGE SIPPEL: Okay, that's where we stand on the  
6 -- on the documents. There is a witness room -- I think you  
7 all know that, don't you? There's a witness room down here,  
8 TWA 461 which is open in case anybody wants to use it.

9 And, you know, in light of the weather conditions,  
10 sometimes the temperature in here isn't all that good. If  
11 anybody wants to come in and bring -- if anybody has, needs  
12 water and want to bring in your own bottle of water, I'll  
13 authorize that. Just keep it under the table or something  
14 so it's out of view. Because I'm not going to vouch for the  
15 water system. We do have water for the witnesses, but I  
16 want to let -- I want to give you that option.

17 That's it, then. Does anybody else have anything  
18 of a preliminary nature?

19 MR. COLE: Your Honor, just as a follow-up to  
20 yesterday, we're reviewing our two or three exhibits as to  
21 which there was a question of completeness, and we hope to  
22 have that review completed before the afternoon session so I  
23 can distribute to the court reporter -- there're a couple of  
24 transmittal letters that have been omitted, and I hope to  
25 have that completed by this afternoon's session.

1 JUDGE SIPPEL: All right. Well, that'll be fine.  
2 Let's see, I'm authorizing you to work with the reporter on  
3 that to get the -- to get his -- to get the official  
4 evidentiary files in sync with what we said yesterday. Just  
5 take back the copies that don't meet the requirements.

6 MR. COLE: What I may end up doing is just giving  
7 him one supplemental pages because the exhibit as it  
8 presently stands, is complete except for maybe one  
9 transmittal page.

10 JUDGE SIPPEL: No, that's -- that will work fine,  
11 the transmittal page. Yeah. That will work fine. The ones  
12 that redacted numbers, you can just give him the one with  
13 the numbers and then take the redacted version back.

14 MR. COLE: Okay.

15 JUDGE SIPPEL: I think you can do the stamp.

16 MR. COLE: Fine.

17 JUDGE SIPPEL: But just work with him, if you  
18 would. I guess that's all I have. I did want to say I  
19 didn't mention this maybe yesterday afternoon, but I really  
20 want to commend everybody, all the energy and effort that  
21 went into those documents yesterday. The document  
22 production was absolutely superb. And I know Mr. -- I know  
23 you're assisting -- this gentleman was here, but your  
24 assistant is not here today. And please convey those, my  
25 feelings to her because there obviously was a heck of a lot

1 of hard work done and, boy, it went really smoothly.

2 All right, you're up then, Mr. Cole.

3 MR. COLE: Your Honor, may the witness take the  
4 witness stand?

5 JUDGE SIPPEL: All right. I don't mind the door  
6 being open, if you all don't. But it's up to you.

7 Whereupon,

8 DANIEL R. BENDETTI,

9 having been duly sworn, was called as a witness  
10 and was examined and testified as follows:

11 JUDGE SIPPEL: Before you get started, you may  
12 pour yourself a cup of water there. Take the stopper out  
13 and pour the water, otherwise it can fall in the cup and  
14 then -- it has happened.

15 MR. HUTTON: Your Honor, I don't know if this is  
16 the appropriate time to raise it, but before we get started  
17 with Mr. Bendetti's testimony, I wanted to reference to your  
18 order allowing his rebuttal testimony, vis-a-vis a), Adams'  
19 motion for leave to present rebuttal testimony, and  
20 vis-a-vis the outline of facts and testimony to be the  
21 subject of rebuttal evidence presented by Adams  
22 Communications Corporation.

23 In the motion for leave to present rebuttal  
24 testimony, Adams outlined categories A through F of areas of  
25 rebuttal. And then in your ruling, FCC's 00M-13, you

1 indicated the specific areas in which you were going to  
2 allow his rebuttal testimony, and you narrowed it in certain  
3 respects to indicate that there would be no broad testimony  
4 on the station's role as the trustee, however, Mr. Bendetti  
5 may testify to specific statements made by Mr. Parker or  
6 others that qualify for a hearsay exception and that  
7 directly contradict Mr. Mattmiller's assertions regarding a  
8 commitment to a trusteeship or a station policy. But there  
9 must be a specific line of testimony that's already in the  
10 record identified by Adams that Bendetti can rebut the fact.

11 In the outline of facts and testimony, there was  
12 subsequently filed in accordance with your order, there were  
13 categories A through J listed. And what that means is that  
14 there were several new areas of proposed rebuttal testimony  
15 that were listed that you had never ruled on.

16 And what I would like to do is conduct voir dire  
17 in order to determine exactly what the nature of the  
18 proposed testimony will be.

19 JUDGE SIPPEL: Oh, no. No, I'm not going to let  
20 voir dire of proposed testimony. The witness is here, you  
21 have an objection to make, I'll rule on the objection. I,  
22 you know, I think for reasons that are obvious to me, I made  
23 every effort I can to limit rebuttal testimony to exactly  
24 that, to rebuttal testimony.

25 If there is some seepage, you know, because it



1 doesn't literally comply with what I gave directions on it,  
2 you know, I'll rule on that. But, again, I, I just want to  
3 be very careful that rebuttal is not used as an opportunity  
4 to just enhance, you know, one's case.

5 So, I stay by what I wrote, but I'm not going to  
6 go into a, you know, that kind of a preliminary examination  
7 of the witness. He's here, he's going to testify. You have  
8 an objection, make it and I'll rule.

9 MR. HUTTON: All right.

10 JUDGE SIPPEL: But thank you, thank you. That's a  
11 good -- I'm glad you focused me back on my ruling.

12 MR. COLE: Your Honor, if I may address that  
13 briefly?

14 JUDGE SIPPEL: Sure.

15 MR. COLE: I filed my outline of facts and  
16 testimony on March 24th. If there are objections, if  
17 there're some perception that that which I propose in my  
18 outline of facts and testimony to cover what Mr. Bendetti's  
19 testimony is somehow objectionable, I would have hoped to  
20 heard about it before Mr. Bendetti was on the witness stand.

21 And all I can say is it was served on everybody.  
22 I think everybody got this one. And, you know, I think it's  
23 a little bit late on June 13 to come in and suggest that  
24 that which I described for everybody in March is somehow  
25 objectionable.

1 But, I'll just state that for the record and then  
2 proceed.

3 JUDGE SIPPEL: All right. Well, he makes a good  
4 point.

5 Let's go.

6 DIRECT EXAMINATION

7 BY MR. COLE:

8 Q Good morning, Mr. Bendetti.

9 Could you state your name and address, please?

10 A My name is Daniel R. Bendetti. I live at 749  
11 North 12th Street in Reading, Pennsylvania.

12 Q And how long have you lived in the Reading area,  
13 sir?

14 A In Reading, I've lived there since 1989. I worked  
15 at the station, Channel 51, starting back in '85, I used to  
16 live in Schuylkil County, which is the next county over next  
17 to Berk's County.

18 So, I've lived in Reading since '89 and Schuylkil  
19 County since '85.

20 Q What is your current employment, sir?

21 A I currently work for FOX Philadelphia, television  
22 station at Philadelphia, Pennsylvania.

23 Q What's your position there?

24 A I'm an engineering technician.

25 Q And how long have you worked at the FOX station in

1 Philadelphia?

2 A I'll be coming up on two years next month.

3 Q Now, earlier you mentioned a television station  
4 51. Was that a reference to the station WTVE in Reading?

5 A That -- yeah. WTVE Reading, Pennsylvania.

6 Q Have you ever worked at WTVE?

7 A Yes, I worked at WTVE in 19 -- I think my official  
8 fulltime starting date was December of 1984, and I worked  
9 there up until the spring of 1998.

10 Q What were your -- what positions did you hold at  
11 WTVE?

12 A Well, when I first started, I was fresh out of  
13 college. I started as a production assistant and I would go  
14 out on projects where we would shoot commercials, corporate  
15 videos, training tapes. And I would usually assist the  
16 production manager and the assistant production manager  
17 setting up lights, doing camera and things like that.

18 After -- in December of '84, there was a full time  
19 position that opened up as a master control operator. A  
20 master control operator is simply someone that runs the  
21 television programming and inserts the commercials whenever  
22 we go to a commercial break. So, I took that position in  
23 December of '84. Held that for probably two years and  
24 continued to do productions, both in the studio and on  
25 location.

1           And in 1986, the production manager had left and I  
2   took the role of production manager. I was promoted to  
3   production manager, and I held that position really up until  
4   the time I left. But that was only one of the positions  
5   that I had there.

6           We had a small staff. Everybody had to wear a lot  
7   of different hats there. So, my production duties, being  
8   responsible for all the production work, continued all the  
9   way up until I left in '98.

10          The other positions I held there were program  
11   director. I was responsible for the programs that the  
12   station ran. I was also the station manager, and I was also  
13   sales manager.

14          So, those are the number of positions that I held,  
15   and just about anything else.

16          Q    Do you recall the dates that you were the program  
17   director?

18          A    Yeah. The years that I was program director,  
19   roughly, 1989 up until '98.

20          Q    And how about the year that you were station  
21   manager?

22          A    Station manager was '92 up until '98.

23          Q    And sales manager?

24          A    Sales manager, probably -- I'm not sure of this.  
25   I'd say around '93, up until I left.

1           Q     While you were employed at WTVE, did you work with  
2 Mr. George Mattmiller?

3           A     Yes.

4           Q     What was his position at the station?

5           A     Well, George had different titles when I worked  
6 with him. When he first came aboard back in May of '89, he  
7 came in with Mike Parker. I think he was considered a  
8 consultant at that point. Then he became station manager.  
9 He became assistant general manager.

10                   Then there was a brief period of time where he was  
11 actually general manager, I believe, and president of the  
12 company. That was short-lived. I think that only lasted a  
13 month or so. That's when I think the board of directors had  
14 taken the title away from Mike Parker and they gave George  
15 the title, and then they took it away from George and gave  
16 it back to Mike, I believe.

17           Q     Was there anyone else at the station -- in the  
18 station's management who was -- who supervised Mr.  
19 Mattmiller's work?

20           A     On a daily basis, no. I mean, overall, yeah, Mike  
21 Parker. He was general manager, president of the company.  
22 So he oversaw everything. As far as on a day-to-day  
23 operations, usually George ran the place. George  
24 Mattmiller. I assisted him and Barbara Williamson, she's in  
25 charge of the finances, she was an integral part in running

1 the day-to-day operations, as well.

2 Q And when Mr. Mattmiller was away from the station,  
3 who was in charge?

4 A When Mr. Mattmiller was away and Mr. Parker wasn't  
5 in town, generally, as my role of station manager and  
6 Barbara Williamson's role as the financial person, we would  
7 run the station.

8 Q How often would that occur? About.

9 A Well, Mike -- Mike Parker, he was out of town a  
10 lot. I mean, he had his offices out in the west coast in  
11 Seattle. I believe he spent a lot of time in California.  
12 He'd go to the West Indies. So, he was out of town quite  
13 often. But usually kept in communication with him via the  
14 fax or a cell phones.

15 So, we could usually try to track him down or find  
16 somebody that could track him down.

17 George Mattmiller, he used to go on projects. I  
18 don't know if they were for -- I think they were for Partel  
19 Corporation or Mike Parker. And he would be out of town for  
20 periods of time. Sometimes he would be gone for a few  
21 weeks, sometimes a few months. And I think there was even a  
22 period of time where he may have been gone for almost a  
23 year.

24 I don't know the specific years that he was gone  
25 for those periods of time, but George would be in and out of

1 town working on projects for us, and then he would go out of  
2 town and work on projects for I believe Partel.

3 Q And were these absences, did these occur during  
4 the license term 1989 to 1994?

5 A Yeah.

6 Q Okay. Mr. Bendetti, in this case in which you're  
7 appearing before Judge Sippel, Reading Broadcasting,  
8 Incorporated has offered evidence concerning its policies  
9 with respect to its public interest obligations over the  
10 course of the 1989 to 1994 license term.

11 Could you please describe from your own personal  
12 observation during that period of time, that is 1989 to  
13 1994, the nature, extent and development of the public  
14 service programming effort of Reading Broadcasting,  
15 Incorporated?

16 MR. HUTTON: Objection, Your Honor. That's  
17 precisely the type of questioning that you indicated in your  
18 order would not be allowed.

19 JUDGE SIPPEL: You mean there was no testimony as  
20 to this type of programming? I mean --

21 MR. HUTTON: Well, I think what you ruled is that  
22 there will be no broad testimony on the station's role as  
23 trustee. Mr. Bendetti may testify to specific statements  
24 made by Parker and others that qualify for a hearsay  
25 exception and that directly contradict Mr. Mattmiller's

1       assertions regarding a commitment to a trusteeship or  
2       station policy.

3               But there must be a specific line of testimony  
4       that's already in the record, identified by Adams that  
5       Bendetti can rebut as a fact.

6               JUDGE SIPPEL: Well, I remember that line. I  
7       mean, I have a general recollection not only of this line of  
8       questioning being have you been in the -- both Mr.  
9       Mattmiller and Mr. Parker.

10              MR. HUTTON: But the witness is not being asked to  
11       address that particular testimony. The witness is being  
12       asked to answer an open-ended question.

13              JUDGE SIPPEL: Well, you have to start -- you have  
14       to -- you know, when you start -- when you start an area of  
15       questioning, you have to start, you know, a little bit  
16       broader. And, you know, if it stays too broad, we're not  
17       going to listen to it too long. He's just getting into an  
18       area.

19              I think you're premature in your objection. I'm  
20       going to overrule it.

21              MR. HUTTON: Okay.

22              JUDGE SIPPEL: Go ahead, Mr. Cole.

23              BY MR. COLE:

24              Q     Do you want me to repeat the question?

25              A     Please.



1           Q     Could you please describe from your own personal  
2 observation during the period 1989 to 1994, the nature,  
3 extent and development of the public service programming  
4 effort of Reading Broadcasting, Incorporated during that  
5 1989 to 1994 period?

6           A     Okay. Between '89 and '94, going back starting  
7 with 1989, the public service efforts of WTVE were headed up  
8 by Ralph Tobias. He was our public service director. And  
9 because of the type of programming that we had on the  
10 television station, which was the home shopping club. We  
11 started rolling that in 1986, I believe. The fall of '86.

12                 The station was limited to time slots where we  
13 could run both paid commercials and public service  
14 announcements or public service vignettes. Which vignettes  
15 are like one, two, two minute, three minute type of news  
16 stories. It's like a mini show is what we called them. And  
17 Ralph was in charge of producing these public service  
18 efforts for WTVE.

19                 And in order for Ralph to have guests come into  
20 the studio for one of the programs we did was called In  
21 Touch. And the program ran three minutes in length.

22                 And just to give you an example, we might have  
23 someone from the United Way, the local United Way come into  
24 our studio, sit down and talk about maybe an event they have  
25 coming up. Maybe they would talk about how they needed

1 volunteers, and if people were interested, they could call  
2 the phone number on the screen. They might talk about Big  
3 Brothers and Big Sisters programs that they offered. So,  
4 just give you an example.

5           So, we had guests like that that would appear in  
6 our studio. And Ralph would usually line this stuff up.  
7 And guests would sit down in the studio and they would be  
8 asked questions that were already gone over with the  
9 organization ahead of time by a host that we may have  
10 employed as an outside contractor. One gentleman I can  
11 remember, Carl Stewart, he used to come in and ask the  
12 questions.

13           So, that's how we did our public affairs out of  
14 our studio. Public service out of our studio. We used to  
15 do these programs called In Touch.

16           We also used to take the cameras across the street  
17 and videotape pets over in the Animal Rescue League that was  
18 located across the street. We had a thing called Adopt a  
19 Pet. And Ralph would -- either Ralph or myself or somebody  
20 else in the station would bring the camera over and get  
21 shots of the animals and then we would show it over the air.  
22 And, hopefully, somebody would call in and adopt a pet.

23           We used to run public service announcements.  
24 Thirty second PSA's, various lengths. Twenty seconds, 15,  
25 10. Those PSA's were usually sent to us from the Ad

1 Council, the American Heart Association. Organizations like  
2 that. We used to run those on the station during our  
3 commercial breaks.

4 When home shopping club would take a commercial  
5 break, which was twice an hour, they would go to one that  
6 was about four minutes in length. That was usually around  
7 20 minutes after the hour. And then they would go to  
8 another break at about ten minutes of the hour, and that was  
9 like a two minute break.

10 So we would run PSA's for those vignettes I  
11 mentioned, that In Touch program.

12 In addition to the public service announcements  
13 that used to come in in the mail, we used to sometimes tape  
14 our own public service announcements, both locally and  
15 sometimes out of the area. And then we would broadcast  
16 those public service announcements on our station.

17 So that was -- that was back in '89, roughly.

18 In 1990 -- well, '89, then Partel Group came in  
19 with Mike Parker. And going into 1990. I think that's  
20 about when Ralph left. Ralph Tobias left the station. And  
21 the public affairs that we were doing really slowed down. I  
22 mean, we weren't doing a lot to begin with, but at that  
23 point they started to slow down without Ralph there.

24 I believe around that time, Kim Bradley was taking  
25 over some of the public service duties for Ralph. And also,

1     Ralph, I believe was the master control operator's  
2     supervisor. He was in charge of scheduling all the people  
3     that were on our shows. I think Kim took over those  
4     responsibilities.

5             But I think we stopped doing those In Touch's  
6     around that time. So, our public service efforts slowed  
7     down. I remember the reason at that time was we were told  
8     to concentrate more on paid projects. That we should be  
9     working on projects that are making money for the television  
10    station and that we shouldn't be assembling crews together  
11    to go outside on remotes or in the station, in the studio to  
12    tape shows.

13            I believe that was around the time Ralph left and  
14    Carl Stewart, the gentleman that I mentioned who was the  
15    host of our shows, he was told that, you know, we wouldn't  
16    need his services, we wouldn't be able to pay him. They  
17    were paying him like \$50 if he came in and hosted a few  
18    shows. It was a way of saving some money. And that anybody  
19    at the station should be working on paid projects, as  
20    opposed to public affairs projects. And that lasted  
21    probably until '92, '93, somewhere in that timeframe. And  
22    then we started picking up doing shows again.

23            We picked up a program that was very similar to  
24    that In Touch program. It was called Community Outreach.  
25    And they used --

1 JUDGE SIPPEL: What year was that, I'm sorry?

2 THE WITNESS: I think it was around '93, '94,  
3 somewhere around there. And that, that show is very similar  
4 to the In Touch program I had mentioned. I mean, it was  
5 really the same show. We still had a lot of the same  
6 contacts that Ralph Tobias had with the United Way, the  
7 American Red Cross, places like that. So we would contact  
8 people to come into the studio.

9 But I think at that point we didn't really have a  
10 professional host hosting the show. I think we had possibly  
11 Kim Bradley, she would host the programs. Kim would not  
12 only maybe line up the show, but then she would sit down in  
13 front of the camera and maybe ask the guest questions.

14 Plus, I was able to get a few people that were  
15 trying to get some exposure on television, college graduates  
16 or people that were maybe in the radio business that wanted  
17 to get TV exposure. We would get them to come in and really  
18 do it free of charge, just so they can get some exposure in  
19 front of the cameras.

20 So, we were able to get the three minute vignettes  
21 going again, but this time they were called Community  
22 Outreaches.

23 During that time, we did continue with our PSA's  
24 that came into the mail from the Ad Council, different  
25 places like that. And, occasionally, we would videotape

1 local PSA's.

2 We also had tours. Sometimes like a Boy Scout  
3 troupe would come through the studio. We'd show them  
4 around. I would go out sometimes to high schools or  
5 elementary schools and talk to classes about possible career  
6 opportunities in television. I would tell them what the  
7 television is all about -- television business is all about.

8 So, that was some other public service type  
9 efforts that we were doing during that timeframe that you  
10 mentioned, '89 to '94.

11 But that's pretty much what I remember.

12 BY MR. COLE:

13 Q Mr. Bendetti, in testimony, written testimony of  
14 Mr. Michael Parker, Mr. Parker -- I believe this is Reading  
15 Exhibit No. 5, page 1 is unnumbered. Mr. Parker said that  
16 the reorganization -- referring to the reorganization of  
17 Reading Broadcasting, Inc. in 1991 and the station's  
18 improved financial condition in 1992 to 1994, allowed it to  
19 move -- and I'm going to delete a little bit of language  
20 which is irrelevant to my question, but allowed us to move  
21 to a situation where we could focus more energy and  
22 resources on the station's public service initiatives.

23 Is that consistent with your observation of the  
24 station's operation during the period of time in 1989 to  
25 1994?

1 MR. HUTTON: I object to the form of the question  
2 there. He dropped some of the language from the testimony  
3 of Mr. Parker.

4 JUDGE SIPPEL: Well, I'll sustain the objection if  
5 it's -- you're saying that it was not accurately -- that Mr.  
6 Cole's not accurately reflecting what Mr. Parker had  
7 testified to?

8 MR. HUTTON: He dropped some of the testimony  
9 that's in the written exhibit.

10 MR. COLE: As I believe I indicated I was doing  
11 that.

12 JUDGE SIPPEL: He said he was doing that.

13 MR. HUTTON: But let's --

14 MR. COLE: Your Honor, I'm happy to read it. I'd  
15 like to move this forward, get Mr. Bendetti on and off the  
16 stand.

17 JUDGE SIPPEL: Yes, please do.

18 MR. COLE: Let me read the sentence as it appears  
19 in Mr. Parker's testimony.

20 BY MR. COLE:

21 Q However, the reorganization in 1991 and the  
22 company's improved financial condition in 1992 to 1994,  
23 allowed us to move from a situation where we were focused on  
24 developing a workable plan to come out of bankruptcy,  
25 parenthesis, while in the meantime keeping the company

1     afloat and keeping the station on the air, close  
2     parenthesis, to a situation where we could focus more energy  
3     and resources on the station's public service initiatives.

4             And, Mr. Bendetti, my question is is that  
5     statement consistent with your observations of the station's  
6     operations during the period of time in 1989 to 1994?

7             A     Naw, that's not accurate. In 1989, May of '89  
8     when Mike Parker came in with George Mattmiller and Linda  
9     Hendrickson, and there was another woman, Lynette -- I can't  
10    think of her last name, but those -- the group that made up  
11    Partel came in and our efforts on public service, we -- like  
12    I mentioned earlier, we did minimum public service. I mean,  
13    we tried to squeeze stuff in during the home shopping club  
14    breaks, those three minute breaks. We tried to put our  
15    public service in there and we tried to put our 30 second  
16    PSA announcements in during those.

17            But those In Touch programs that we were doing in  
18    our studio, Mr. Parker asked us to stop doing those for  
19    reasons that had to do with us having to pull together a  
20    crew in order to be able to go in and tape these things. We  
21    had to have a couple of camera operators, we had to have a  
22    director.

23            Plus, I mentioned Carl Stewart, the gentleman that  
24    hosted the show, the outside contractor, I think we used to  
25    pay him like \$50 when he came in.



1           So that show was cut. And most of the public  
2 service efforts that we were doing at the time, Mike Parker  
3 did not want us to take those on. I vividly remember him  
4 saying that he doesn't want anybody spending money or time  
5 working on things that aren't making money for the  
6 television station.

7           And George Mattmiller and myself tried to explain  
8 to him that, you know, it's important that we do public  
9 service. That we need to do it for the FCC, that we need to  
10 do so many hours a week. And Mike's response to that -- Mr.  
11 Parker's response to that was well, we're in bankruptcy, the  
12 FCC will understand this. When we get out of bankruptcy,  
13 we'll do more PSA stuff, but right now, they'll give us a  
14 break, more or less is what he was saying. The FCC would  
15 give us a break if we weren't doing much.

16           But I think that was around the time that Ralph  
17 left. I don't know what the circumstances when Ralph Tobias  
18 left, what they were. But that was right around when the  
19 PSA stuff we were doing really dipped down to where we  
20 weren't doing any In Touch's in the studio.

21           And there was a span of about probably from '90  
22 till '93 where we actually picked up doing those Community  
23 Outreaches again. That was really our biggest public  
24 service efforts. And it was -- it was convenient for us  
25 'cause, you know, we could get anybody to come into our